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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/429,360	SEP 17 2004	STEVEN W. TEPPLER	32801-151172 151112	5832
26694	7590	09/14/2004	EXAMINER	
VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998			BETIT, JACOB F	
			ART UNIT	PAPER NUMBER
			2175	

DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED  
Final Rejection / Notice of Appeal  
CLIENT/MATTER # JRB ATTY JRB  
DUE DATE 12/14/04  
FINAL DEADLINE 3/14/05  
DKTED BY SJH



SEP 17 2004

**Office Action Summary**

Application No.

09/429,360

Applicant(s)

TEPLER, STEVEN W.

Examiner

Jacob F. Betit

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 and 31-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 and 31-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 17 May 2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Remarks*

1. In response to communications filed on 17 May 2004, claims 1-5, 17-29, and 31-35 are amended and claim 30 is cancelled per applicant's request. Claims 1-29 and 31-35 are presently pending in the application.

### *Claim Objections*

2. Claims 26-27 are objected to because of the following informalities:

Claim 26 recites the phrase "at second moment in time" in line 4. This phrase is missing the indefinite article "a" before "second moment in time". For the purpose of examining it is assumed that it was meant --at a second moment in time--.

Claim 26 recites the phrase "was send by said remote computer". This phrase contains the incorrect form of the verb "send". For the purpose of examining it is assumed that it was meant --was sent by said remote computer--.

Claim 27 is objected to as being dependent on objected to dependent claim 26.

Appropriate corrections are required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-29, and 31-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the content" in lines 1-2 and the limitation "the current time" in lines 9-10. There is insufficient antecedent basis for these limitations in the claim.

Claims 2-16 are rejected as being dependent on rejected independent claim 1.

Claim 17 recites the limitation "the current time" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claims 18-28 are rejected as being dependent on rejected independent claim 17.

Claim 28 recites the limitation "a third moment in time" in line 3, the limitation "a third date and a third time corresponding to said third moment in time" in lines 4-5, and the limitation "said third data and said third time" in lines 6 and 8. It is unclear why the phrases "a third moment in time" and "a third date and a third time" are being used since there is no second

Art Unit: 2175

moment in time, second data, or second time claimed in either claim 28 or in independent claim 17 on which claim 28 depends.

Claim 28 recites the limitation "said second digest" in line 11 and the limitation "said second certificate" in line 12. There is insufficient antecedent basis for these limitations in the claim.

Claim 29 recites the limitation "the content" in line 1 and the limitation "said digital data file" in line 5. There is insufficient antecedent basis for these limitations in the claim.

Claims 31-35 are rejected as being dependent on rejected independent claim 29.

Appropriate corrections are required.

#### ***Allowable Subject Matter***

5. Claims 1-29, and 31-35 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

#### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2175

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob F. Betit whose telephone number is (703) 305-3735. The examiner can normally be reached on Monday through Friday 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (703) 305-3830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2175

jfb

13 Sep 2004

A handwritten signature in black ink, appearing to read 'S. Rimell', is positioned above the printed name.

**SAM RIMELL**  
**PRIMARY EXAMINER**

Please type a plus sign (+) inside this box → +

PTO/SB/08A (08-00)

SEP 17 2004

Approved for use through 10/31/2002. OMB 0651-0031

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 3

Complete If Known

Application Number 09/429,360  
Filing Date October 28, 1999  
First Named Inventor Steven W. TEPPLER  
Group Art Unit 2175  
Examiner Name Jacob Betit  
Attorney Docket Number 32801-151712

## U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	A1	5,903,882		Asay et al.	05-1999	
	A2	6,226,744		Murphy et al.	05-2001	
	A3	6,209,091	B1	Sudia et al.	03-2001	
	A4	6,237,096	B1	Bisbee et al.	05-2001	
	A5	5001752		Fischer	03-1991	
	A6	6081899	A	Byrd	06-2000	
	A7	5923763	A	Walker et al.	07-1999	
	A8	5910988	A	Ballard	06-1999	
	A9	5500897	A	Hartman, Jr.	03-1996	
	A10	5189700	A	Blandford	02-1993	
	A11	5022080		Durst et al.	06-1991	
	A12	2001/0011350	A1	Zabetian	08-2001	
	A13	6601172	B1	Epstein	07-2003	
	A14	6530023	B1	Nissl et al.	03-2003	
	A15	6490355	B1	Epstein	12-2002	
	A16	6408388	B1	Fischer	06-2002	
	A17	6393566	B1	Levine	05-2002	
	A18	6393126	B1	van der Kaay et al.	05-2002	
	A19	6263438	B1	Walker et al.	07-2001	
	A20	6253331	B1	Kotani	06-2001	

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## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sub>6</sub>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				

Examiner  
Signature

*[Signature]*

Date  
Considered

30 July 2004

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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**Complete If Known**

(use as many sheets as necessary)

Sheet	2	of	3
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Application Number	09/429,360
Filing Date	October 28, 1999
First Named Inventor	Steven W. TEPPLER
Group Art Unit	2175
Examiner Name	Jacob Betit
Attorney Docket Number	32801-151712

Relevant

**U.S. PATENT DOCUMENTS**

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[illegible]

**Examiner  
Signature**

James F. Brown

Date Considered

30 July 2004

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

**(use as many sheets as necessary)**

Sheet	3	of	3
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Examlner Name	Jacob Betit
Attorney Docket Number	32801-151712

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**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

[illegible]

**Examiner  
Signature**

Date \_\_\_\_\_

**Considered**

30 July 2004

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